



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Kelvin G. M. BROCKBANK et al.

Group Art Unit: 1651

Application No.: 10/670,724

Examiner: S. SAUCIER

Filed: September 26, 2003

Docket No.: 113024

For: METHOD FOR TREATMENT OF CELLULAR MATERIALS WITH SUGARS PRIOR
TO PRESERVATION

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

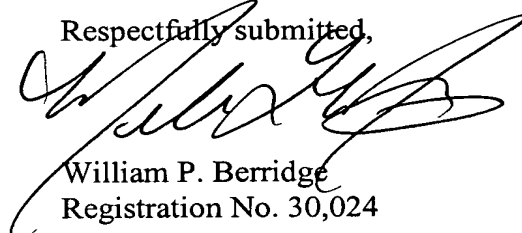
In reply to the January 12, 2006 Election of Species Requirement, Applicants provisionally elect a cell culture and, with regard to each of claims 6 and 20, trehalose, with traverse. At least claims 1, 2, 4-29 and 31-35 read on the elected species. At least claims 1, 4, 5, 7-19, 21-24, 26-28, 31 and 33-35 are generic.

It is respectfully submitted that the subject matter of all species is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid

unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,



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WPB:MLM/jam

Date: February 10, 2006

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